

REMARKS

Applicants respectfully request reconsideration and reexamination of the present application in light of the amendments and the remarks below.

Claims 12-16 are pending in this application. Applicants elected Group III, drawn to Claims 12-16, compounds of Formula III (Response mailed May 21, 2004).

Claim 12 has been amended, and claims 1-11 and 17-24 have been cancelled as drawn to non-elected subject matter. These claim amendments are made to clarify the subject matter therein. Therefore, these amendments are submitted in order to place the claims in condition for allowance, and do not disclaim any subject matter to which the Applicants are entitled.

Election/Restriction

Applicants acknowledge that the Examiner has amended the restriction groups as defined in the restriction requirement dated April 23, 2004 (Paper No. 09022004, page 2). Specifically, the Examiner stated that in the restriction requirement, Group I should have included claims 12-13 (in part) drawn to compounds of Formula III wherein m is 2 or 3, which was inadvertently left out. Accordingly, the revised Group III is directed to claims 12-13 (in part) and claims 14-16, drawn to compounds of Formula III wherein m is 1.

Rejection Under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 12-16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention (Paper No. 09022004, pages 2-3). Applicants respectfully traverse this rejection.

The Examiner stated that in claim 12, line 1, the recitation "useful in the preparation of compounds of Formula I" is redundant and leads to confusion because the claim being an independent claim, does not disclose Formula I within the claim. The Examiner suggested deletion of the phrase. The claim as been amended as suggested and no longer recites the phrase "useful in the preparation of compounds of Formula I."

The Examiner also stated that claim 12 recites the limitation " $(CH_2)_m$ may be optionally replaced with $C-O-(CH_2)_m$," and there is insufficient basis for the limitation in the claim. The Examiner stated that deletion of the limitation will obviate the rejection. The claim as been amended as suggested and no longer recites the limitation " $(CH_2)_m$ may be optionally replaced with $C-O-(CH_2)_m$."

It is thus submitted that the claims 12-16 meet the requirements of 35 USC § 112, second paragraph, and reconsideration and withdrawal of the present rejection is respectfully requested.

Allowable Subject Matter

The Examiner stated that claims 12-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in the Office Action and limited to the subject matter of the elected invention (i.e., claims 12-26 drawn to compounds of Formula III wherein m is 1) (Paper No. 09022004, page 3). The claims have been amended accordingly.

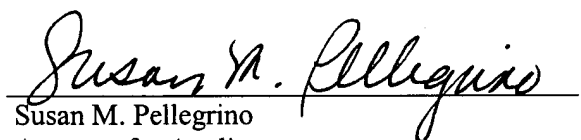
The Examiner also stated that the closest reference of record, Mewshaw (U.S. Patent No. 5,663,194) does not teach or suggest the instantly claimed compounds.

CONCLUSION

For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application, reconsideration and withdrawal of the present rejections and objections, and entry of the amendments. Should there be any further matter requiring consideration, Examiner Rao is invited to contact the undersigned counsel.

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,


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